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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

S.Q.,

Petitioner,

v.

THE SUPERIOR COURT OF  
STANISLAUS COUNTY,

Respondent;

STANISLAUS COUNTY COMMUNITY  
SERVICES AGENCY,

Real Party in Interest.

F081348

(Super. Ct. No. 517944)

**OPINION**

**THE COURT\***

ORIGINAL PROCEEDINGS; petition for writ of mandate.

Patty Bazar, for Petitioner.

No appearance for Respondent.

No appearance for Real Party in Interest.

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\* Before Detjen, Acting P.J., Smith, J., and Snauffer, J.

The superior court issued a disposition in a dependency action on February 7, 2020. Petitioner's counsel subsequently submitted a notice of appeal on petitioner's behalf from the same disposition on April 28, 2020, but the superior court rejected the filing as untimely.

On March 23, 2020, and again on April 15, 2020, due to the impact of the COVID-19 pandemic and under authority of California Rules of Court 8.66,<sup>1</sup> the Chief Justice of California authorized the Presiding Justice of this court to "extend the time in which to do any act required or permitted under the California Rules of Court" up to an additional 30 days. On March 23, 2020, and April 16, 2020, the Presiding Justice of this court issued orders implementing the Chief Justice's directive by ordering a 30-day extension of time applied to proceedings in which the deadline to act or permitted under the rules occurred between March 23, 2020, and May 18, 2020. An April 20, 2020, order from this court clarified that the 30-day extension applied "to all time periods specified by the California Rules of Court" except as to petitions for rehearing and requests for publication.

Rule 8.406(a)(1), provides that "a notice of appeal must be filed within 60 days after the rendition of the judgment or the making of the order being appealed." Without the recent emergency orders, petitioner's appeal from a February 7, 2020, disposition therefore would have been due April 7, 2020. However, because that date fell within the recent emergency extension period, petitioner was entitled to an additional 30 days to file a notice of appeal through May 7, 2020. Petitioner's attempt to file a notice of appeal on April 28, 2020, was therefore timely.

On July 7, 2020, this court provided the parties seven days to oppose petitioner's request to refile or deem petitioner's appeal as timely; this court further advised that that

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<sup>1</sup> Further rule references are to the California Rules of Court.

a party's failure to respond would be treated as consent for this court to grant the requested relief without further proceedings. (*People v. Romero* (1994) 8 Cal.4th 728, 740, fn. 7; *Palma v. U.S. Industrial Fasteners Inc.* (1984) 36 Cal.3d 171, 180.)

Not having received any opposition to the petition, this court concludes petitioner is entitled to relief.

### **DISPOSITION**

Petitioner is granted leave to cause a notice of appeal to be filed on or before 15 days from the date of this opinion in Stanislaus County Superior Court juvenile case No. 517944.

Let a writ of mandate issue directing the Clerk of the Superior Court for Stanislaus County to file said request in its action No. 517944, to treat it as timely filed, and to proceed with the preparation of the record on appeal in accordance with the applicable rules of the California Rules of Court if the clerk of that court receives said request on or before 15 days of the date of this opinion.

This opinion is final forthwith.